HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 940(S/S) 2006

Bhagmal S/o Sri Kishan Singh,
Serving as Patwari, Tehsil Bazpur,
District Udham Singh Nagar. ---- Petitioner.

Versus

District Magistrate, Udham Singh Nagar. ----Respondent.

Sri Manoj Tewari, learned counsel for the petitioner,
Learned Standing Counsel for the State/respondent.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tewari, learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal.

2. The present writ petition has been filed by the petitioner for the following reliefs:-

a. To issue a writ, order or direction in the nature of certiorari for quashing the impugned transfer order dated 26.06.2006 passed by respondent no. 1 (annexure no. 3 to the writ petition) in so far as it relates to the petitioner,

b. To issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

c. Award the cost of the writ petition in favour of the petitioner.

3. The petitioner has challenged the impugned order on the ground that the daughter as well as the son of the petitioner

aged about 21 years and 16 years are suffering from mental illness and treatment of his children is going on at Moradabad which is nearer to Bazpur and in case, he is transferred to Khatima, it will be harsh for him to get proper treatment of his children from Moradabad.

4. Considering the circumstances aforesaid, without entering into merits of the case, I think it just and proper to direct the petitioner to make representation before the District Magistrate, Udham Singh Nagar within a period of three weeks from today and the District magistrate shall take decision on the representation of the petitioner within a period of six weeks from the date of receipt of a certified copy of this order alongwith a copy of the representation. Till the representation is decided, the transfer order so far it relates to the petitioner shall not be given effect to.

5. With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 13, 2006:
NCM: